

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Joseph David Coburn

Joel Ralph Bernhardt

Hummingbird Feeder

)
)
)
)
)
)
)

Art Unit:

Serial No.: 10/649,415

Docket No.: MPH 03-05

Filed: 08/26/2003

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING

I hereby certify that this correspondence and the documents referred to as attached/enclosed therein is being deposited with the United States Postal Service with sufficient postage as first class mail in an enveloped addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on October 15, 2003.

Signature

Sharyl L. Breu

Typed or printed name



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

| | |
|------------------------|---------------------|
| Application Number | 10/649,415 |
| Filing Date | 08/26/2003 |
| First Named Inventor | Joseph David Coburn |
| Art Unit | |
| Examiner Name | |
| Attorney Docket Number | MPH 03-05 |

Total Number of Pages in This Submission

ENCLOSURES (Check all that apply)

| | | |
|--|---|--|
| <input type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> After Allowance communication to Group |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input type="checkbox"/> Amendment/Reply | <input type="checkbox"/> Petition | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Terminal Disclaimer | <input type="checkbox"/> Other Enclosure(s) (please identify below): |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Request for Refund | |
| <input checked="" type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> CD, Number of CD(s) _____ | |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | Remarks | |
| <input type="checkbox"/> Response to Missing Parts/Incomplete Application | | |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | |
|-------------------------|----------------------------|
| Firm or Individual name | M. Paul Hendrickson |
| Signature | <i>M. Paul Hendrickson</i> |
| Date | 10-15-03 |

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

| | | | |
|-----------------------|-----------------------|------|----------|
| Typed or printed name | Sharyl L. Breu | | |
| Signature | <i>Sharyl L. Breu</i> | Date | 10-15-03 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|-----------------------|---|------------------------|
| In re Application of: |) | |
| |) | Art Unit: |
| Joseph David Coburn |) | |
| Joel Ralph Bernhardt |) | Serial No.: 10/649,415 |
| |) | |
| Hummingbird Feeder |) | Docket No.: MPH 03-05 |
| |) | |
| Filed: 08/26/2003 |) | |

INFORMATION DISCLOSURE STATEMENT (IDS)

Assistant Commissioner for Patents
Washington, D.C. 20231

This Information Disclosure Statement is submitted in accordance with 37 C.F.R. 1.97, 1.98, and it is requested that the information set forth in this statement and in the listed documents be considered during the pendency of the above-identified application, and any other application relying on the filing date of the above-identified application or cross-referencing it as a related application.

1. This IDS should be considered, in accordance with 37 C.F.R. 1.97, as it is filed:

Check one of the boxes A-D:

☒ A. within three months of the filing date of the above-identified national application or within three months of the entry into the national stage of the above-identified international application.

☐ B. before the mailing date of a first office action on the merits.

☐ C. after (A) and (B) above, but before final rejection or allowance, and Applicants have made the necessary certification (box "i" below or paid the necessary fee (box "ii" below).

Check one of the boxes "i" and "ii" below:

☒ i. Counsel certifies that, upon information and belief, each item of information listed herein was either (a) cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS or (b) was not cited in a communication from a foreign patent office in a counterpart foreign application and was not known to any individual designated in 1.56(c) more than three months prior to the filing of this IDS.

☐ ii. Please charge the fee set forth in 1.17 (p), presently believed to be \$200, to Deposit Account _____.

☐ D. after (A), (B), and (C) above, but before payment of the issue fee. Applicant petitions under 37 C.F.R. 1.97(d) for consideration of this IDS. Please charge the fee set forth in 1.17 (i) (1), presently believed to be \$180, to Deposit Account _____. Counsel certifies that, upon information and belief, each item of information listed herein was either (i) cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS or (ii) was not cited in a communication from a foreign patent office in a counterpart foreign application and was not known to any individual designated in 1.56(c) more than three months prior to the filing of this IDS.

2. In accordance with 37 C.F.R. 1.98, this IDS includes a list of all patent, publications, or other information submitted for consideration by the office, either incorporated into this IDS or as an attachment hereto. Copies of the documents are attached, except as explained below.

(check boxes A and/or B and fill in blanks, if appropriate.)

☐ A. Documents _____ are deemed substantially cumulative to documents _____, and, in accordance with 1.98(c), only copies of the latter documents are enclosed.

☐ B. Certain documents were previously cited by or submitted to the Office in the following prior application(s), which are relied upon under 35 U.S.C. 120:

Serial Number

Filing Date

☐ C. No preliminary patentability search was conducted upon the invention described and claimed in this application.

Applicants identify these documents by attaching hereto copies of the form PTO-892s and PTO-1449s from the files of the prior applications or a fresh PTO-1449 listing these documents, and request that they be considered and made of record in accordance with 1.98(d). Per 37 C.F.R. 1.98(d), copies of these documents need not be filed in this application.

☐ 3. Documents _____ are not in English language. In accordance with 1.98(c), Applicants state:

☐ English translation of documents _____ (or of the pertinent portions thereof), or copies of corresponding English-language applications, are enclosed.

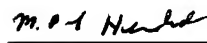
☐ A concise explanation of the relevance of documents
_____ is found in the attached search report from the _____ Patent
Office (see reply to Comment 68 in the preamble to the final rules; 1135 OG 13 at 20).

☐ A concise explanation of the relevance of documents
_____ is set forth in an Attachment.

4. No explanation of relevance is necessary for documents in the English language (see reply to Comments 67 and 68 in the preamble to the final rules; 1135 OG 13 at 20).

5. In accordance with 37 C.F.R. 1.97(g) and (h), the filing of this IDS should not be construed as a representation that a search has been made or that information cited is, or is considered to be, material to patentability as defined in Section 1.56(b), or that any cited document listed or attached is (or constitutes) prior art. Unless otherwise indicated, the date of publication indicated for an item is taken from the face of the item and Applicant reserves the right to prove that the date of publication is in fact different.

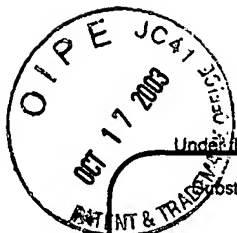
Respectfully submitted,



M. Paul Hendrickson
Attorney for Applicant
Reg. No. 24,523

403 Main Street
Post Office Box 508
Holmen, WI 54636-0508

(608) 526-4422
(608) 526-2711 (fax)



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 1 of 2**Complete if Known**

| | |
|------------------------|---------------------|
| Application Number | 10/649,415 |
| Filing Date | 08/26/2003 |
| First Named Inventor | Joseph David Coburn |
| Art Unit | |
| Examiner Name | |
| Attorney Docket Number | MPH 03-05 |

U. S. PATENT DOCUMENTS

| Examiner Initials* | Cite No. ¹ | Document Number Number-Kind Code ² (if known) | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
|--------------------|-----------------------|---|--------------------------------|--|---|
| | | US- 6318290 B1 | 11/20/2001 | Mark A. Fisher | |
| | | US- 2001/0029899 A1 | 10/18/2001 | William Arlitt | |
| | | US- 4980990 | 01/01/1991 | Rex H. Hiday | |
| | | US- 5247904 | 09/28/1993 | James D. Anderson | |
| | | US- 5450816 | 09/19/1995 | Tonya A. Santa Cruz | |
| | | US- 5454348 | 10/03/1995 | Colwell et al | |
| | | US- 5678600 | 10/21/1997 | Locke et al | |
| | | US- 6499430 B2 | 12/31/2002 | Garcia-Lucio et al | |
| | | US- 6553936 B2 | 04/29/2003 | Michael Sasso | |
| | | US- | | | |
| | | US- | | | |
| | | US- | | | |
| | | US- | | | |
| | | US- | | | |
| | | US- | | | |
| | | US- | | | |
| | | US- | | | |

FOREIGN PATENT DOCUMENTS

| Examiner Initials* | Cite No. ¹ | Foreign Patent Document Country Code ³ Number ⁴ Kind Code ⁵ (if known) | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | T ⁶ |
|--------------------|-----------------------|--|--------------------------------|--|---|----------------|
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

| | |
|--------------------|-----------------|
| Examiner Signature | Date Considered |
|--------------------|-----------------|

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Approved for use through 05/31/2003. OMB 0651-0031

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

(Use as many sheets as necessary)

Sheet

2

of

2

Application Number

10/649,415

Filing Date

08/26/2003

First Named Inventor

Joseph David Coburn

Art Unit

Examiner Name

Attorney Docket Number

MPH 03-05

Examiner
Initials*

File
No. 1

Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.

 T^2

none

**Examiner
Signature**

Date
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 120 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **C mmission r for Pat nts, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.